## Piper Rudnick

6225 Smith Avenue Baltimore, Maryland 21209-3600 Main 410.580.3000 fax 410.580.3001

DAVID W. STAMPER david.stamper@piperrudnick.com direct 410.580.4299 fax 410.580.3299

June 13, 2002

## FACSIMILE AND U.S. MAIL

Ariana Wright Arnold Assistant United States Attorney 6625 United States Courthouse 101 West Lombard Street Baltimore, Maryland 21201-2692

> Re: Jeanette Mellerson v. Joanne B. Barnhart, etc. Civil No. L-01-2090

Dear Ms. Arnold:

I apologize for not responding to your voicemail message earlier. We have reviewed Rule 4.2 of the Maryland Rules of Professional Conduct, and we believe that, subject to the specific requirements of the Rule, we are permitted under these Rules to contact directly certain Social Security Administration ("SSA") employees.

Under Rule 4.2, we may communicate with current SSA employees unless (1) the employee is an officer, director, or managing agent; (2) the employee supervises, directs, or regularly communicates with SSA lawyers concerning this matter; or (3) the employee's acts or omission in this matter could bind the SSA for civil or criminal liability.

In accordance with the Rule, a list of current SSA employees that we intend to contact directly will follow shortly. If you believe that any of the witnesses fall under any of the above provisions, please so advise, with an explanation as to why you contend that communication with that witness is prohibited. If we do not receive a response from you within 14 days of your receipt of the list, we will assume that none of the employees listed fall within any of the above exceptions, and we will proceed to contact such individuals.

Although Rule 4.2 only governs communication with *current* agents and employees, and therefore does not preclude our contact with *former* SSA employees, we will refrain from directly contacting former SSA employees whose acts or omissions in this matter could bind the SSA. Instead, any contact with such former employees will be arranged through your office.

If you have any questions, please do not hesitate to call.

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Sincerely yours,

David W. Stamper

/dws

cc: Jonathan S, Nash, Esquire